



Milwaukee Police Department
Police Administration Building
749 West State Street
Milwaukee, Wisconsin 53233
<http://www.milwaukee.gov/police>

Alfonso Morales
Chief of Police
(414) 933-4444

October 21, 2019

MuckRock News
DEPT MR 80513
411A Highland Ave
Somerville, MA 02144-2516

Dear Emma Best:

This letter is in response to your public records request pursuant to the provisions of the Wisconsin Public Records Law (Wis. Stat. § 19.31-39). In your email dated September 17, 2019, you requested the following information:

- Records describing, authorizing or mentioning expenses or personnel assignments in response to or accommodation of visits from officials in the federal government between January 1, 2001 and the present.

The public policy in this state is to give the public the greatest amount of access to public records as possible. Wis. Stat. § 19.32. The general presumption is that public records are open to the public unless there is a clear statutory or common law exception. If there is no clear statutory or common law exception the custodian must “decide whether the strong presumption favoring access and disclosure is overcome by some even stronger public policy favoring limited access or nondisclosure.” *Hempel v. City of Baraboo*, 2005 WI 120, ¶ 28 (citations omitted.) Notwithstanding the presumption of openness, the public’s right to access to public records is not absolute. *Journal/Sentinel v. Aagerup*, 145 Wis. 2d 818, 822 (Ct. App. 1988).

At this time, your request is denied because it is overly broad and vague.

After reviewing your request, I have determined that your request is insufficient under the public records law. A request under the public records law is sufficient if it reasonably describes the requested record or information being requested. A request is insufficient if it is without a reasonable limitation as to the subject matter or the length of time represented by the record. Wis. Stat. § 19.35(1)(h).

Wisconsin courts have agreed that a record custodian properly denied a public records request under § 19.35(1)(h) where a request did not include a sufficient subject matter or length of time for the requested records. The court of appeals stated that the purpose of the “time and subject matter limitation is to prevent a situation where a request unreasonably burdens a records custodian, requiring the custodian to spend excessive amounts of time and resources deciphering and responding to a request.” *State ex rel. Gehl v. Connors*, 2007 WI App 238, ¶ 17. The court of appeals agreed that the record custodian appropriately denied the request because compliance would have required locating copies of e-mails from many employees without regard to the content or relationship to matters involving the requester. As such, the request was deemed sufficiently overly broad and burdensome to warrant rejection under § 19.35(1)(h). *Id.* ¶ 24.

Specifically, you have requested records describing, authorizing or mentioning expenses or personnel assignments in response to or accommodation of visits from officials in the federal government between January 1, 2001 and the present. This request does not reasonably describe a record. Please provide a more specific timetable of dates and specific subject matter and what federal government officials you are referring to.

At this time, I am denying your request because it is overly broad and vague.

However, if you would like to resubmit your request to exclude the denied information, MPD will reconsider the denial.

This determination is subject to review by *mandamus* action under Wis. Stat. § 19.37(1), or upon an application to the Wisconsin Attorney General or the Milwaukee County Corporation Counsel.

Sincerely,

ALFONSO MORALES
CHIEF OF POLICE


KERRY NAMIN
POLICE SERGEANT

AM:KN:sw
J17710 Reference Number

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03253
T8 P1 *****AUTO**MIXED AADC 07099
MILWAUKEE POLICE DEPARTMENT
PO BOX 531
MILWAUKEE, WI 53201-0531



September 17, 2019

To Whom It May Concern:

Pursuant to the Wisconsin Open Records Act, I hereby request the following records:

Records describing, authorizing or mentioning expenses or personnel assignments in response to or accommodation of visits from officials in the federal government between January 1, 2001 and the present.

I am a member of the news media and request classification as such. I have previously written about the government and its activities, with some reaching over 100,000 readers in outlets such as Gizmodo, MuckRock, Motherboard, Property of the People, Unicorn Riot, and The Outline, among others. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through non-profits such as the library Internet Archive and the journalist non-profit MuckRock, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance.

As my primary purpose is to inform about government activities by reporting on it and making the raw data available, I request that fees be waived.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days.

Sincerely,

Emma Best

A handwritten signature in black ink, appearing to read "J. Best".

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Filed via MuckRock.com
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For mailed responses, please address (see note):

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PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.